Supreme Court, U. S.
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IN THE

Supreme Court of the United States

October Term, 1978
Nos. 78-432, 78-435, 78-436

No. 78-432

UNITED STEELWORKERS OF AMERICA,
Petitioner,

vs.

BRIAN F. WEBER,
Respondent.

No. 78-435

KAISER ALUMINUM & CHEMICAL CORP.,
Petitioner,

vs.

BRIAN F. WEBER,
Respondent.

No. 78-436

UNITED STATES, *et al.*,
Petitioner,

vs.

BRIAN F. WEBER,
Respondent.

Amicus Curiae Brief for and on Behalf of Petitioners by Women's Equal Rights Legal Defense and Education Fund (WERLDEF).

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Introduction.

The Women's Equal Rights Legal Defense and Education Fund is a non-profit California corporation, designed to help bring women into the mainstream of American life by protecting and expanding their legal rights in such areas as employment, education and family law.

ARGUMENT.

I.
Need for Affirmative Action.

The continuation and expansion of Voluntary Affirmative Action Programs is absolutely essential if women are ever to achieve equality in the labor force.

Affirmative Action Programs are needed because women are not at the present time equal participants in the labor market. Affirmative action is a vehicle which, if encouraged, will enable women to attain economic equality. There is a real need for Affirmative Action because women in the United States today are still victims of occupational segregation (sex segregation in jobs). This restricts the employment opportunities open to women and results in lower earnings for women owing to the over-supply of labor available for women's jobs. In addition, it permits a low status to be accorded to women by society at large since predominately female occupations are generally regarded as less prestigious or important than other occupations.

II.
Occupational Segregation of Women.

Statistics gathered by the United States Department of Labor, Manpower Administration, prove that women are segregated by their sex in the lower-paying jobs

throughout the American economy. The statistics establish the following:

In 1971, almost 70% of male, white-collar workers, or 28% of all working men were in the professional and technical or managerial category, whereas only about 32% of female, white-collar workers or about 20% of all working women were in one of these categories. Nearly 56% of female, white-collar workers, or over 1/3 of all employed women were working at clerical jobs. (See Table 1)

Occupational Distribution of the Labor Force, by Sex, 1971.

Table shows the distribution of female and male workers by occupation in 1971.

Table 1:

TABLE Occupational Distribution of the Labor Force, by Sex, 1971

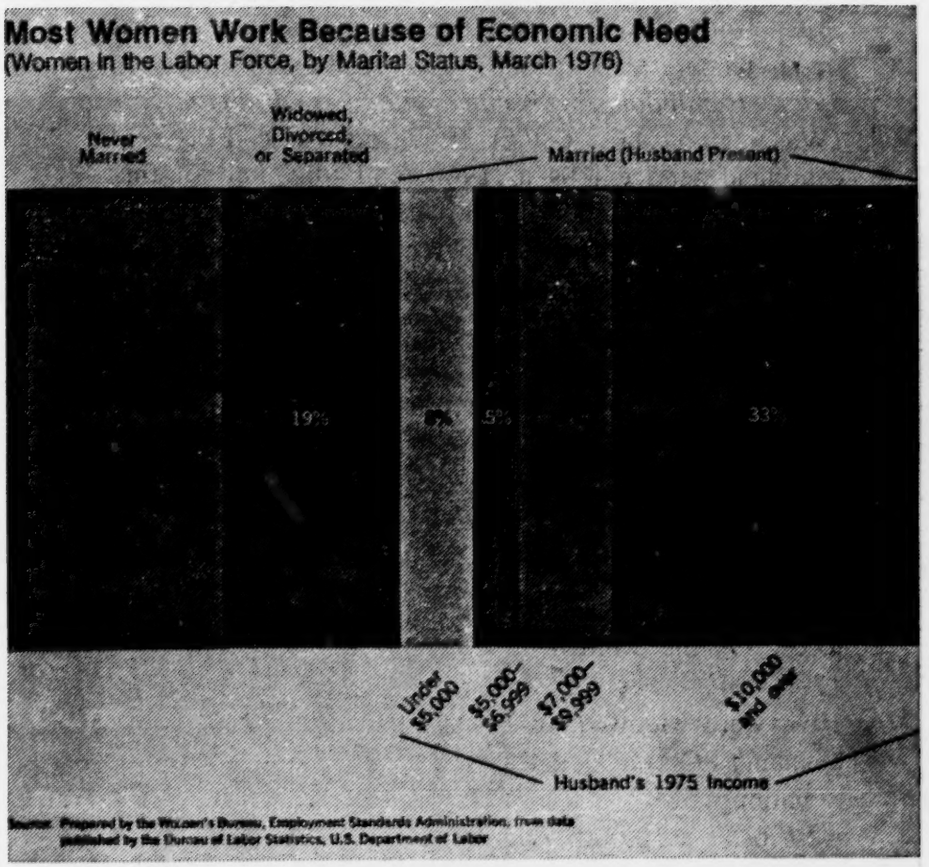
Occupation Group	*Distribution (%) Males*	*Females*
Total employed	100.0	100.0
White-collar workers	40.9	60.8
Professional and technical	13.7	14.5
Managers, officials and proprietors	14.6	5.0
Clerical workers	6.7	33.9
Sales workers	5.9	7.2
Blue-collar workers	45.9	15.4
Craftsmen and foremen	19.9	1.3
Operatives	18.3	13.3
Nonfarm laborers	7.7	0.8
Service workers	8.2	22.3
Private household workers	0.1	4.9
Other service workers	8.1	17.4
Farmworkers	5.1	1.7
Farmers and farm managers	3.2	0.3
Farm laborers and foremen	1.9	1.4

Source: U. S. Dept. of Labor, Manpower Administration, Manpower Report of the President, March 1972, p. 173.

The occupational distribution of non-White women was even more skewed toward the bottom of the occupational ladder. *U.S. Dept. of Labor, Women's Bureau, 1969; Handbook on Women Workers, Bulletin 294* (Washington, D.C.: G.P.O. 1969) pp. 105-6. Fifty percent held service jobs in 1968, and fully half of this group were private household workers, the lowest paying occupation. Only 30% of non-White women were white-collar workers as compared to 60% of the total female labor force.

There is evidence showing that work is a financial necessity for significant numbers of women. Also, in a society in which value often means monetary value, it is extremely unlikely that women can attain equality without equal earning opportunity. Some indications of the financial importance of paid employment for women can be gained from data from the female labor force. Of the women in the labor force, in March, 1976, 24% were never married, and an additional 19% were widowed, divorced or separated from their husbands. Of the married women who constituted the remaining 58%, 23% had husbands whose incomes were below $10,000. Undoubtedly, most of these women, and many whose husbands earn more than $10,000 were also working for compelling, economic reasons. (See Table 2)

Table 2:

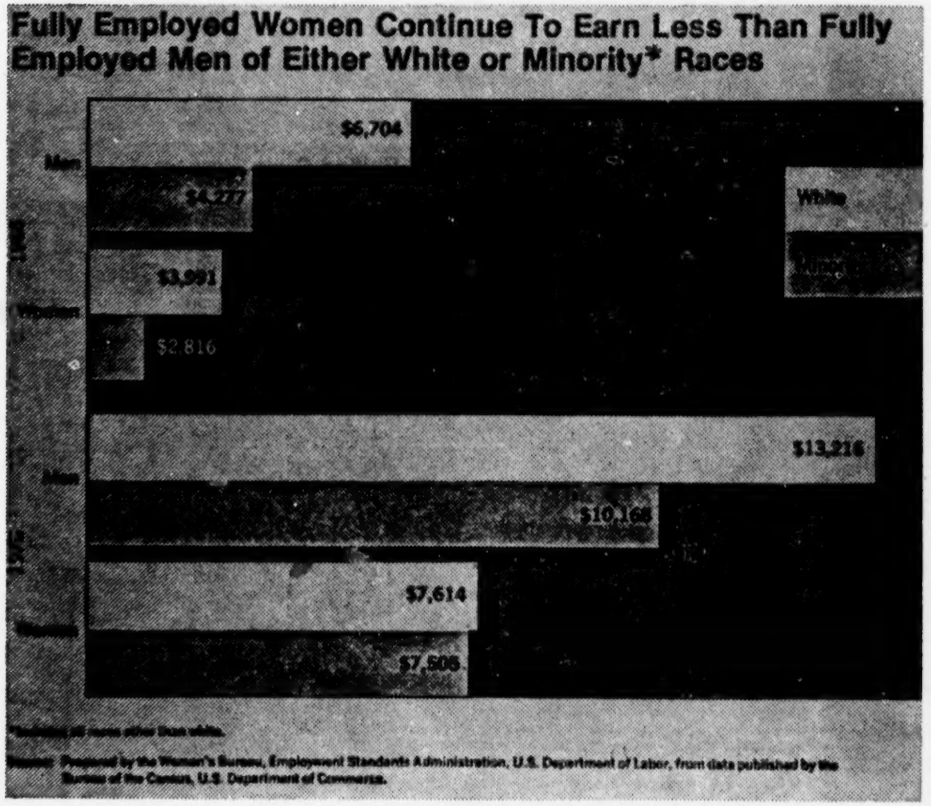


III.
Occupational Segregation Has Had a Severe Impact on Women's Earnings.

In earnings, in 1971, the annual median earnings of working women were $2,986.00, only 40% of the annual median earnings of working men. Non-White women were even more disadvantaged. The median earnings of those who were full-time, year-round workers was only $3,677 in 1968, or 46% of the median income of White men. Furthermore, the gap between the earnings of women and men increased between

1956 and 1696 and is now only slightly increased. (See Table 3)

Table 3:

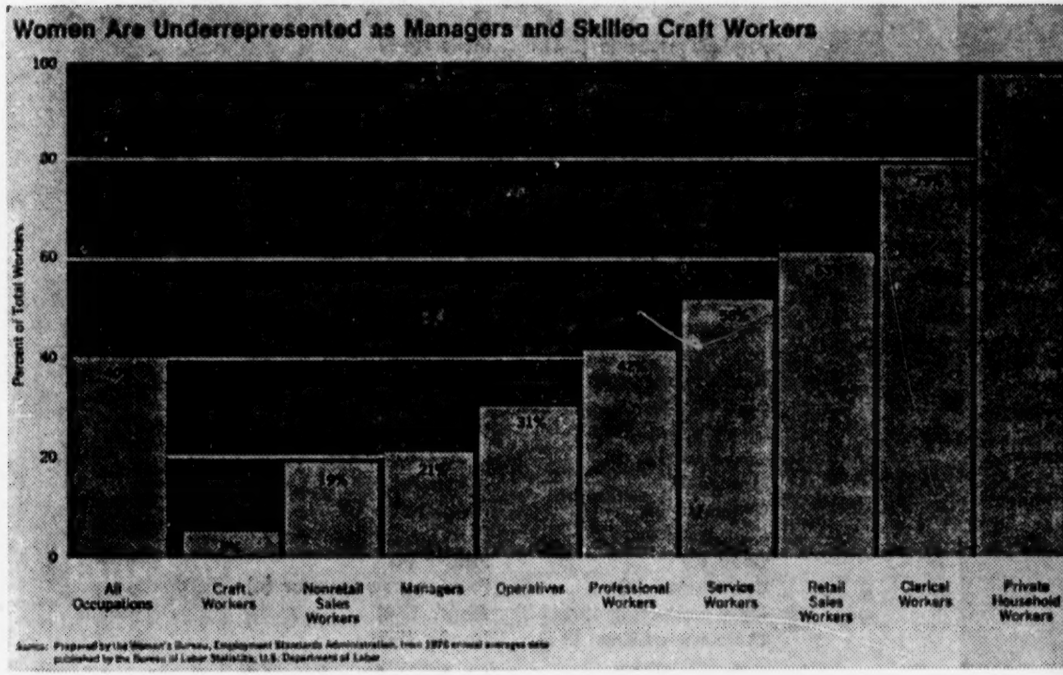


IV.
Bringing Women Into Skilled Craft Jobs and Apprenticeships.

Apprenticeships are programs through which workers learn a recognized trade by combining formal instruction with on-the-job training. Apprenticeships have long been a route by which young, unskilled men have entered skilled, well-paying jobs. The length of training varies generally. Except in a handful of female-type

trades, women who were not blatantly excluded have been discouraged from entering apprenticeship programs. (See Table 4)

Table 4:



The Department of Labor has listed numerous jobs which require training periods of at least two years, some as many as six years.

Table 5:

Jobs Which Require Apprenticeships

The 79 jobs listed below have training periods of at least 2 years and some as many as 6 years. Some of the occupations are broken down into more specialized jobs, so that the total number of apprenticeable occupations is close to 350. Numbers in parentheses indicate the number of years of training required.

Aircraft fabricator (3-4)
Airplane mechanic (3-4)
Arborist (3)
Asbestos worker (4)
Automotive body repairman (3-4)
Automotive mechanic (3-4)
Baker (3)
Barber (2)
Blacksmith (4)
Boilermaker (4)
Bookbinder (2-4)
Brewer (2-3)
Bricklayer (3)
Butcher-meat cutter (3)
Cabinetmaker-millman (2-4)
Candy maker (3-4)
Canvas worker (3)
Carman (4)
Carpenter (4)
Cement mason (2)
Cook (3)
Cosmetician (2)
Dairy products maker (2-3)
Draftsman-designer (3-5)
Electrical worker (4-5)
Electroplater (3-4)
Electrotyper (5-6)
Engraver (4-5)
Fabric cutter (3-4)
Farm-equipment mechanic (3-4)
Floor coverer (3-4)
Foundryman (2-4)
Furrier (3-4)
Glazier-glass worker (2-4)
Heat treater (4)
Ironworker (2-4)
Jeweler (2-4)
Lather (2-3)
Lead burner (5)
Leatherworker (3-4)
Lithographer (4-5)
Machinist (4)
Mailer (4-5)
Maintenance mechanic repairers (3-6)
Metal polisher and buffer (3-4)
Millwright (4)
Model maker (4)
Musical instrument mechanic (3-4)
Operating engineer (3-4)
Optical technician (4)
Orthopedic prosthetic technician (3-4)
Painter-decorator (2-3)
Patternmaker (5)
Photoengraver (5-6)
Photographer (3)
Plasterer (2)
Plate printer (4)
Plumber-pipefitter (4-5)
Printer (4)
Printing press operator (4)
Rigger (2-4)
Roofer (2-3)
Rotogravure engraver (5-6)
Sheetmetal worker (3-4)
Sign, scene, and pictorial artist (3-4)
Silversmith (3-4)
Stationary engineer (3-4)
Stereotyper (5-6)
Stoneworker (2-4)
Stonemason (3)
Tailor (4)
Telephone worker (4)
Terrazzo worker (3)
Textile technician (2-4)
Tile setter (3)
Tool and die maker (4-5)
Upholsterer (3-4)
Wallpaper craftsman (4-5)
Wire weaver (3-4)

Some of the occupations are broken down into more specialized jobs so that the total number of apprenticeable occupations is close to 350. Very few women are presently in these jobs. According to the International Women's Year Report, women have traditionally been excluded from apprenticeship programs that lead to high-paying skilled work. *The Spirit of Houston, An Official Report to the President, the Congress and the People of the United States,* March, 1978, p. 45.

Labor Department figures for 1976 revealed that of 11 million skilled, blue-collar workers, only 545,038 were women. In that same year, the percentage of women carpenters, electricians, painters, plumbers, machinists, mechanics and stationary engineers ranged from less than 1% to about 3% of the totals.

Conclusion.

Affirmative Action is particularly important to women because they have been effectively and systematically excluded from higher paying occupational opportunities for so long. The hope of American women is and has been that with the advent of the laws providing for equal opportunity, more and more employers will engage in Voluntary Affirmative Action Programs. Such programs will assist in ending sex segregation of jobs and broaden the employment opportunities for women.

Respectfully submitted,

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